

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HAI NGUYEN,

Plaintiff,

V.

CITY OF VANCOUVER, VANCOUVER
POLICE DEPARTMENT, and JOHN DOE,
Vancouver Police Officer.

Defendants.

CASE NO. 3:22-cv-05077-JHC

ORDER GRANTING DEFENDANT
VANCOUVER POLICE DEPARTMENT'S
MOTION TO DISMISS FOR FAILURE TO
STATE A CLAIM

THIS MATTER comes before the Court on Defendant Vancouver Police Department's Motion to Dismiss for Failure to State a Claim. The Court has considered the pleadings filed in support of the motion and the file herein. The motion is unopposed.

As argued by the Vancouver Police Department, under Washington law and prior decisions of this Court, “municipal police departments and bureaus are generally not considered ‘persons’ within the meaning of 42 U.S.C. § 1983.” *United States v. Kama*, 394 F.3d 1236, 1240 (9th Cir. 2005) (Ferguson, J., concurring); *see also Bradford v. City of Seattle*, 557 F. Supp. 2d 1189, 1207 (W.D. Wash. 2008) (holding that the Seattle Police Department is not a legal entity capable of being sued under 42 U.S.C. § 1983) (citing *Nolan v. Snohomish County*, 59 Wn. App. 876, 883 (1990)).

ORDER GRANTING DEFENDANT VANCOUVER
POLICE DEPARTMENT'S MOTION TO DISMISS
FOR FAILURE TO STATE A CLAIM - 1

This Court has reached that conclusion with respect to the Vancouver Police Department. *See, e.g., Lang v. Washington*, No. C20-5057 BHS, 2020 U.S. Dist. LEXIS 216660, at *4–5 (W.D. Wash. Nov. 18, 2020) (“VPD is not a legal entity capable of being sued.”); *Burgess v. Vancouver Police Dep’t*, No. 3:15-CV-05844-BHS-DWC, 2015 U.S. Dist. LEXIS 169065, at *7–8 (W.D. Wash. Dec. 16, 2015) (“Because Plaintiff may not pursue actions against … municipal departments, Plaintiff fails to state a cause of action against Defendant[] … Vancouver Police Department.”); *Runnels v. City of Vancouver*, No. C10-5913BHS, 2011 U.S. Dist. LEXIS 45377, at *28–29 (W.D. Wash. Apr. 27, 2011) (“[B]ecause current Washington case law indicates that a police department is not a legal entity with the capacity to be sued, Defendants are entitled to summary judgment of [plaintiff’s] claims against VPD”). The Court agrees with these decisions.

Accordingly, Defendant Vancouver Police Department cannot be sued under § 1983.

ORDER

Therefore, it is hereby **ORDERED** that the Defendant Vancouver Police Department's Motion to Dismiss for Failure to State a Claim is **GRANTED**. Defendant Vancouver Police Department is **HEREBY DISMISSED WITH PREJUDICE** as a defendant in this lawsuit.

DATED this 16th day of May, 2022

John H. Chan

John H. Chun
United States District Judge